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Mail Stop Interference
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Paper ~~1~~
Filed: 30 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Chandler **Dawson**
Junior Party
(U.S. Patent Application 11/801,345),

v.

Chandler **Dawson** and Lyle Bowman
Senior Party
(U.S. Patent 6,239,113).

Patent Interference No. 105,719 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on January 25, 2010** (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3 Named inventors: CHANDLER R. DAWSON, MILL VALLEY, CA

4 Involved Application: U.S. Application 11/801,345, filed on
5 May 8, 2007

6 Title: Topical Treatment or Prevention of Ocular
7 Infections

8 Assignee: Regents of the University of California

9
10 Senior Party

11 Named Inventors: CHANDLER R. DAWSON, MILL VALLEY, CA
12 LYLE M. BOWMAN, PLEASANTON, CA

13 Involved Patent: U.S. Patent 6,239,113, issued on May 29, 2001, based
14 upon U.S. Application 09/346,923, filed on July 2, 1999.

15 Title: Topical Treatment or Prevention of Ocular
16 Infections

17 Assignee: InSite Vision Incorporated

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 **Part F. Count and claims of the parties**

5 **Count 1**

6 A process for treating an eye according to claim 1 of U.S. Application
7 11/801,345 or claim 3 of U.S. Patent 6,239,113.

8
9 The claims of the parties are:

10 Dawson '345: 1 and 4-20
11 Dawson et al. '113: 1-10
12
13

14 The claims of the parties which correspond to Count 1 are:

15 Dawson '345: 1 and 4-10
16 Dawson et al. '113: 1-10
17

18 The claims of the parties which do not correspond to Count 1, and therefore
19 are not involved in the interference, are:

20 Dawson '345: 11-20
21 Dawson et al. '113: None
22

23 The parties are accorded the following benefit for Count 1:

24 None²

² See Paper 3 for further details.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

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Patent Interference No. 105,719 (MPT)
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/Michael P. Tierney/
Administrative Patent Judge

Copy of STANDING ORDER
Copy U.S. Patent 6,239,113
Copy of claims of U.S. Application 11/801,345

cc (via overnight delivery):

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